

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MARIYA ANDROSHCHUK, et al.,	) CASE NUMBER:
	)
Plaintiffs	) JUDGE
	)
v.	)
	) <b><u>DEFENDANT COSTCO WHOLESALE</u></b>
COSTCO WHOLESALE CORPORATION,	) <b><u>CORPORATION'S NOTICE OF</u></b>
	) <b><u>REMOVAL OF CIVIL ACTION TO THE</u></b>
Defendant	) <b><u>UNITED STATES DISTRICT COURT</u></b>
	) <b><u>FOR THE NORTHERN DISTRICT OF</u></b>
	) <b><u>OHIO</u></b>

Now comes Defendant Costco Wholesale Corporation (“Costco”), by and through counsel, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, and respectfully requests that this Court remove this action from the Cuyahoga County, Ohio Court of Common Pleas to the United States District Court for the Northern District of Ohio. In support of this request, Costco states as follows:

1. Costco is the only Defendant in a civil action pending in the Cuyahoga County, Ohio Court of Common Pleas, captioned *Mariya Androshchuk, et al. v. Costco Wholesale Corporation*, Cuyahoga County C.P. Case No. CV-20-934836. Plaintiffs filed their Complaint on July 13, 2020.<sup>1</sup> The Cuyahoga County Court of Common Pleas Clerk of Courts issued a Summons upon Costco on July 14, 2020.<sup>2</sup>

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<sup>1</sup> A true and accurate copy of Plaintiffs’ Complaint is attached hereto as Exhibit A.

<sup>2</sup> A true and accurate copy of the summons is attached hereto as Exhibit B.

2. Costco's first notice of the above lawsuit was on or about July 21, 2020, when the Complaint was allegedly served on Costco's statutory agent in Columbus, Ohio.<sup>3</sup> Accordingly, July 21, 2020 was the first notice Costco had of Plaintiffs' Complaint.

3. Costco filed its Answer to Plaintiffs' Complaint on July 22, 2020.<sup>4</sup>

4. Costco files this Notice of Removal pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

5. Plaintiffs' Complaint stems from Costco allegedly causing and permitted water to accumulate in the produce section of the Costco store in Strongsville, causing Plaintiff Mariya Androshchuk to slip and fall and suffer certain physical injuries. Plaintiff Peter Androshchuk is Mariya's husband and alleges, as a result of her injuries, he has suffered the loss of her services and consortium. Based on this, Plaintiffs have brought claims against Costco for negligence and loss of consortium.

6. Upon information and belief, Plaintiffs are individuals who are residents of Ohio with an address of 7563 Lime Avenue, Cleveland, Ohio 44129.

7. Costco is a Washington corporation with its primary place of business located at 999 Lake Drive, Issaquah, Washington 98027.

8. Upon information and belief, Plaintiffs' Complaint seeks in excess of \$75,000.00 in damages from Costco. It alleges compensatory damages in an unspecified amount, but exceeding \$25,000.00, for Plaintiffs' injuries and loss of consortium.

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<sup>3</sup> A copy of the current docket in the Cuyahoga County Court of Common Pleas case is attached hereto as Exhibit C. The docket does not reflect that service has been perfected upon Costco as of the filing of this Notice. A copy of the current service page on the docket for the Cuyahoga County Court of Common Pleas case is attached hereto as Exhibit D.

<sup>4</sup> A copy of Costco's Answer is attached hereto as Exhibit E.

9. Given the complete diversity of the parties' citizenship and the amount in controversy, this Court has original subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1332. As such, this action is subject to removal pursuant to 28 U.S.C. § 1441.

10. Costco has filed this Notice of Removal within the time requirements outlined in 28 U.S.C. § 1446. In particular, Costco was allegedly served with a copy of the Summons and Complaint on or about July 21, 2020. Therefore, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(a).

11. Costco has served a copy of this Notice of Removal upon Plaintiffs, as well as filed it with the appropriate state court, pursuant to 28 U.S.C. 1446(d).

12. Costco asserts its right to a trial by jury.

13. Costco does not waive any jurisdictional or other defenses available to it.

14. Costco reserves the right to supplement this Notice of Removal and/or to present additional arguments in support of its entitled to removal.

**WHEREFORE**, Costco prays for removal of the above-referenced civil action from the Cuyahoga County, Ohio Court of Common Pleas to the United States District Court for the Northern District of Ohio.

Respectfully submitted,

/s/ Dennis R. Fogarty

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**CERTIFICATE OF SERVICE**

I hereby certify that Defendant Costco Wholesale Corporation's Notice of Removal of Civil Action to the United States District Court for the Northern District of Ohio was electronically filed with the Court on July 27, 2020. Notice of this filing will be sent by operation of the Court's case management and electronic case filing system. Parties may access this filing through the Court's case management and electronic case filing system. A true copy of the foregoing was also served by electronic mail on July 27, 2020 upon the following:

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